

**REMARKS / ARGUMENTS**

Claims 1 - 3 and 14-17 remain in this application. Claims 4-13 as originally filed are presently withdrawn from consideration, but Applicant retains the right to present these claims in a continuing application.

The Examiner's rejection of the claims under 35 USC § 103 have been carefully considered. In response, Applicant has amended the claims to better define the scope of the invention.

**Claim 1**

Claim 1 as amended now recites the limitation that the positions of the lasers (light sources) are adjustable relative to the camera, via the means for horizontally shifting the camera and the lasers, depending on the scale of the surface to be recorded. Support for this amendment is found, for example, at page 11, line 16 to page 12, line 5; page 13, line 12 to page 15, line 7; and page 15, line 19 to page 20, line 7 of the specification as filed. With this amendment, Applicant respectfully submits that claim 1 is now patentably distinguishable from Kakiuchi in view of Chapman and further in view of Ellenby.

**Claims 2, 3, and 14-17**

Claims 2, 3, and 14-17 depend directly or indirectly from claim 1 and include all of its recited limitations. For the reasons provided above for claim 1 as amended, Applicant respectfully submits that these claims are now also patentably distinguishable from Kakiuchi in view of Chapman, and from Kakiuchi in view of Chapman and further in view of Ellenby.

Appl. No. 10/005,166

Amendment and Request for Continued Examination dated October 4, 2006

Reply to Office action of April 5, 2006

In view of the above arguments, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

**JOE MIHELCIC**

By \_\_\_\_\_

Tai W. Nahm

Reg. No. 54,906

Tel: (416) 868-3362